

REMARKS

Claims 1 and 55-91 are pending in the application. Claim 1 is amended. Claims 2-20 and 53 are hereby cancelled, without prejudice. Claims 21-52 and 54 were previously cancelled, without prejudice.

Drawings

A separate Letter to the Official Draftsperson accompanies this response providing formal drawings incorporating the changes approved by the Examiner. Accordingly, the drawing requirement for this application is believed met.

Withdrawn Rejections

The withdrawal of the rejections made under 35 U.S.C. §§112, 102 and 103 in the prior Office Action is gratefully acknowledged.

Claim Objections

Claim 53 was objected to for reference to previously cancelled claim 43. Claim 53 has been cancelled. Accordingly, it is respectfully submitted that this objection is now moot, and its withdrawal is respectfully requested.

New Rejections

Claims 1-3, 9-10, 12, 17-18 and 53 were rejected under 35 U.S.C. §102(b) as being anticipated by US Patent No. 5,831,070 to Pease et al. ("Pease"). Claims 1-7, 9-10, 12, 17-18 and 53 were rejected under 35 U.S.C. §103(a) as being unpatentable over US Patent No. 6,406,921 to Wagner et al. ("Wagner") in view of Pease. Claims 8, 11, 13-16 and 19-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wagner in view of Pease, and further in view of US Patent No. 5,482,867 to Barrett et al. ("Barrett").

The technology of the prior art cited by the Examiner differs from the present invention in several respects. In particular, the Pease reference is directed to a technology for applying arrays of oligonucleotides and other biological polymers to a substrate using photolithographic techniques; Wagner does not teach the use of peptidomimetic protein binding agents in accordance with the present invention; and Barrett is directed to the use of photolabile chemical protecting groups in the binding of agents to substrates. However, in order to expedite prosecution of the present application, the claims have been amended to recite features of some specific embodiments of the present invention. Specifically, claim 1 has been amended to recite that the solid substrate has a substantially planar surface comprising a non-native oxide-coated

metal. Also, to facilitate prosecution, the remaining claims have been cancelled and replaced by array claims 55-72, depending from claim 1, and corresponding kit claims 73-91. These amendments are made without prejudice to further prosecution of the subject matter of any cancelled claim in this or a subsequently filed continuation or divisional application.

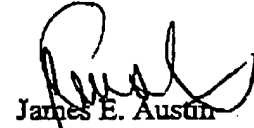
Support for the amendment to claim 1 may be found throughout the application, for example at page 13, lines 4-20, Fig. 7B, and page 21, line 13 to page 22, line 15. As noted therein, the presence of an oxide coating on the metal may amplify the fluorescent signal used to read the arrays. It is respectfully submitted that this feature of these embodiments of the present invention is neither taught nor suggested by the cited art, either alone or in combination.

Accordingly, for at least these reasons, it is respectfully submitted that claim 1, and corresponding kit claim 73, of the present application are novel and patentable over the cited references. The remaining pending claims depend, directly or indirectly, from claim 1 or 73 and are thus submitted to be patentable for at least the same reasons. In addition, it is submitted that several dependent recite features of the present invention that provide further independent bases for patentability, for example those of claims 58, 59, 69-72, 77, 78 and 88-91. Thus, withdrawal of the rejections under 35 U.S.C. §§102(b) and 103(a) is respectfully requested.

Conclusion

Applicants believe that all pending claims are allowable and respectfully request a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below. If any additional fees are due in connection with the filing of this amendment, the Commissioner is authorized to charge such fees to Deposit Account 500388 (Order No. CHIRP014).

Respectfully submitted,
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